

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVIDSON & ASSOCIATES, INC., D.B.A.
BLIZZARD ENTERTAINMENT, and
VIVENDI UNIVERSAL GAMES, INC.,

Plaintiffs,

v.

INTERNET GATEWAY, INC., TIM JUNG,
an individual, ROSS COMBS, an individual,
and ROB CRITTENDEN, an individual,

Defendants.

Case No. 4:02CV498 CAS

CONSENT DECREE

Plaintiffs Davidson & Associates, Inc., D.B.A. Blizzard Entertainment, and Vivendi Universal Games, Inc. (collectively “Blizzard”) and Defendants Internet Gateway, Inc., Tim Jung, Ross Combs, and Rob Crittenden (collectively “Defendants”), having come to an agreement on various factual matters and wishing to narrow the legal disputes currently between them, hereby agree that:

1. Copyrighted materials created by Blizzard, including code, files and images from Blizzard’s Battle.net server and game clients, were duplicated and incorporated into Defendants’ bnetd server program without Blizzard’s authorization; and

2. The term “bnetd” was used by Defendants without Blizzard’s authorization.

Therefore, the parties having agreed to this Consent Decree and Permanent Injunction, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

A. Defendants are permanently enjoined from knowingly writing or contributing computer code, performing network packet analysis (“packet sniffing”), disassembling or decompiling computer programs, submitting patches, or otherwise taking an active development

role in connection with any project or program whose purpose is to interact with or emulate gaming software created or developed by Blizzard;

B. Defendants are likewise permanently enjoined from making any use of the terms “bnet” or “bnetd” in association with creation, development, or distribution of software, but shall retain the right to use the “bnetd” name when making historic reference to their prior involvement with the bnetd project; and

C. Defendants shall transfer ownership in the internet domain name “bnetd.org” to Blizzard within 30 days of the execution of this order.

IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that:

A. This decree shall constitute the full and complete relief to Plaintiffs for and in respect of Counts I, III, IV, V, and VI of Blizzard’s Second Amended Complaint;

B. This decree shall also constitute the full and complete relief to Plaintiffs and Defendants for and in respect to all monetary relief, costs, or fees related to this action; and

C. Plaintiffs’ claims for injunctive relief under Counts II and VII and Defendants’ claims for declaratory relief under Counts II and IV shall remain to be decided by the Court based upon the existing summary judgment briefs of all parties.

Dated this ____ day of March, 2004.

SO ORDERED AND ADJUDGED:

Charles A. Shaw
United States District Judge

ENTRY CONSENTED TO:

Davidson & Associates, Inc., D.B.A. Blizzard
Entertainment, and Vivendi Universal Games,
Inc.

By: Rod Pyle

Title: Assistant Secretary

Date: 3/17/2004

Internet Gateway, Inc.

By: _____

Title: _____

Date: _____

Ross Combs

Date: _____

Rob Crittenden

Date: _____

Tim Jung

Date: _____

14367904.2

ENTRY CONSENTED TO:

Davidson & Associates, Inc., D.B.A. Blizzard
Entertainment, and Vivendi Universal Games,
Inc.

By: _____

Title: _____

Date: _____

Internet Gateway, Inc.

By: Timothy Jung

Title: President

Date: 3-17-2004

Ross Combs

Date: _____

Rob Crittenden

Date: _____

Tim Jung
Tim Jung

Date: 3-17-2004

14367904.2

ENTRY CONSENTED TO:

Davidson & Associates, Inc., D.B.A. Blizzard
Entertainment, and Vivendi Universal Games,
Inc.

By: _____

Title: _____

Date: _____

Internet Gateway, Inc.

By: _____

Title: _____

Date: _____



Ross Combs

Date: Mar 17, 2004

Rob Crittenden

Date: _____

Tim Jung

Date: _____

14367904.2

ENTRY CONSENTED TO:

**Davidson & Associates, Inc., D.B.A. Blizzard
Entertainment, and Vivendi Universal Games,
Inc.**

By: _____

Title: _____

Date: _____

Internet Gateway, Inc.

By: _____

Title: _____

Date: _____

Ross Combs

Date: _____

Rob Crittenden

Date: 3/16/2004

Tim Jung

Date: _____

14367904.2